

CERTIFIED TRUE COPY

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

JUL 27 PAID

BOARD OF PHARMACY

By: Marianne W. Greenwald
Deputy Attorney General
Tel. No. (973) 648-4876

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

KENNETH RIZZO, R.P.
License No. RI0201600

TO PRACTICE PHARMACY IN THE
STATE OF NEW JERSEY

Administrative Action

**PROVISIONAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a pharmacist in the State of New Jersey and had been a licensee at all times relevant hereto.

2. On January 14, 2005 respondent was the subject of a Judgment filed in the Supreme Court of the State of New York, Orange County. Specifically, respondent was convicted of one count of Grand Larceny 2nd Degree in violation of PL 155.40 and one count of Offering a False Instrument for Filing in violation of P.L. 175.35. Count I was committed over the period January 30, 1996

through November 12, 2001, Count II from October 17, 2001 through October 22, 2001.

3. Respondent was sentenced to a one (1) year term of imprisonment for each count to be served concurrently, fined \$2,000.00 and, further, ordered and made restitution in full.

CONCLUSIONS OF LAW

1. The above Judgment provides grounds for the suspension of his license to practice pharmacy in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the conviction is one of moral turpitude and/or relates adversely to the practice of pharmacy.

IT IS THEREFORE on this 27th day of July, 2005,

ORDERED that:

1. Respondent's license shall be and hereby is provisionally revoked.

2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a. Submitting a written request for modification or dismissal to Joanne Boyer, Executive Director, State Board of Pharmacy, 124 Halsey Street, Sixth Floor, P.O. Box 45013, Newark, New Jersey 07101.

b. Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c. Submitting any and all documents or other written evidence supporting respondent's request for consideration, and reasons therefor.

3. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by respondent during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration or mitigation of the penalties set forth herein, a Final Order of Discipline will be entered.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. However, the Board shall not be limited to the sanctions contained herein and may seek to recoup costs to the State.

NEW JERSEY STATE BOARD OF PHARMACY

By: Pamela Allen, RPh
Pamela Allen, R.P.
President

SENTENCE AND COMMITMENT

Index 7463-2004

STATE OF NEW YORK
SUPREME COURT COUNTY OF ORANGE
HON. NICHOLAS DE ROSA, J.

Kathy Jackson

Court Reporter

THE PEOPLE OF THE STATE OF NEW YORK

INDICTMENT # SCI # 826S-04

VS.

INDICTED FOR:

Gr. Larc. 2^o; offering a false inst. for Filing

Kenneth Rizzo

SEX M DOB 2-16-65 NYSID 3575085 N DATE CRIME COMMITTED 4-1-96 - 11-13-01

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED OF A (FELONY) (MISD) BY (PLEA) (VERDICT) FOR:
1. Gr. Larc. 2^o LAW PL SECTION 155.40 MIN. TERM (YRS) MAX. TERM (YRS) DEF. TERM 30-36
2. offering a false instrument for Filing PL 175.35 MIN. TERM (YRS) MAX. TERM (YRS) DEF. TERM 30-36Male Crime Convicted as an Armed Felon Convicted as a Juvenile Offender 30-36 Age at time crime committed Other (see remarks)
Probation Years License revoked A Fine of \$2,000.00 Drug Type:
Mandatory surcharge \$ Victim's Assistance Fee \$ Weapon Type:

THE SENTENCE (\$S) IMPOSED HEREIN ON 1-14-05 SHALL RUN:

CONCURRENTLY with each other

CONSECUTIVELY with

Found to be a YOUTHFUL OFFENDER

Found to be a (SECOND) (PERSISTENT) (VIOLENT) Felony Offender

Found to be a Second Child Sexual Assault Felony Offender

AND THAT SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE Orange County Jail with credit for time served

Department of Correctional Services of the State of New York until release in accordance with the law, and being a male/female person sixteen or older the NYS Dept. of Correctional Services is directed to deliver him/her to the custody of the NYS Department of Correctional Services as provided in 7 NYCRR part 103.

Execute as a sentence of parole supervision pursuant to Section 410.91 of the C.P.L.

Division for Youth of the State of New York in accordance with the law being a person LESS than sixteen (16) years of age at the time the crime was committed.

TO BE HELD UNTIL THE JUDGMENT OF THE COURT IS SATISFIED

TO THE NEW YORK STATE DEPT. OF CORRECTIONAL SERVICES PURSUANT TO SECTION 60.35 OF THE PENAL LAW OF THE STATE OF NEW YORK, A (MANDATORY) SURCHARGE AND VICTIM'S ASSISTANCE FEE IN THE AMOUNT OF \$ HAS BEEN IMPOSED AND, IN DATE, THE DEFENDANT HAS FAILED TO PAY SAID AMOUNT.

REMARKS: Restitution paid in full

DEFENDANT'S ADDRESS: 11 High Ridge Rd., Montvale, NJ 07645

AMENDED COMMITMENT 1-14-05 DATE ORIGINAL SENTENCE DATE: Linda L. Sicina SIGNATURE Linda L. Sicina TITLE COURT CLERK

CERTIFIED
JAIL TIME
CREDIT

SIGNATURE

TITLE

COURT COPY

STATE OF NEW YORK (COUNTY OF ORANGE) SEN
BONITA L. SENSON, COUNTY CLERK AND CLERK OF THE
COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON March 2, 05
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND
June 17, 05